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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/070,034

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Noboru Yanagita

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07/02/2004

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EXAMINER

COLON, ROCIO

ART UNIT

PAPER NUMBER

2651

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/070,034

Applicant(s)

YANAGITA ET AL.

Examiner

Rocio Colon

Art Unit

2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2, 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. Claim 11 recites the limitation " the replaceable recording medium " in page 93, line 7.

There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Yates et al. (US Pub. 2002/0035664) in view of Frary (USPN 6,100,788).

Regarding claim 1 Yates et al. disclose an information recorder comprising:

means for extracting predetermined standard-defined meta data buried in material signals to be recorded to a replaceable recording medium (page 2, paragraph 32, the library management system intercepts the data to written on a tape when it identifies a meta data); and

means for writing/reading information to/from a contactless information storage means appended to or incorporated in the replaceable recording medium (page 2, paragraph 32, the meta data is stored on a non-volatile memory).

Yates et al. fail to explicitly disclose the contactless information storage is operative responsively to an electromagnetic field. However this limitation is well known in the art as evidenced by Frary which disclose an information recorder using a storage device that is operative responsively to an

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electromagnetic field to send or receive information in a contactless manner to or from outside via the electromagnetic field (column 2, lines 62-64);

the writing/reading means writing the meta data extracted by the extracting means to the contactless information storage means (column 3, lines 52-55).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the device of Yates et al. because Frary teaches the storage device may send or receive information via the electromagnetic field to read and write the meta data from the tape cartridge.

Regarding claim 2, Yates et al. further disclose

means for holding the extracted meta data (page 2, paragraph 32, the virtual tape controller holds the data before sending it to the virtual tape); and

an arranging means for putting the held meta data into a predetermined data format (page 2, paragraph 32, the blocks of data are "packetized");

the meta data put in the predetermined data format being written to the contactless information storage means by the writing/reading means (page 2, paragraph 32, the metadata is stored on the non-volatile storage in virtual tape controller).

Regarding claim 3, Yates et al. disclose

means for holding the extracted meta data (page 2, paragraph 32, the virtual tape controller holds the data before sending it to the virtual tape);, and

means for taking out only desired ones from the held meta data (page , paragraph 32, part of the metadata, the desired ones, are stored on the non-volatile storage);

the desired meta data thus taken out being written to the contactless information storage means by the writing/reading means (page 2, paragraph 32, the metadata includes all the information about the data being written on the tape, not all the meta data is necessary to read the data on the tape, if part of the

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metadata is stored on the non-volatile storage is obvious that the part that is written on the non-volatile storage are the desired ones);

Regarding claim 7, Yates et al. disclose an information recorder comprising:

means for generating, from material signals to be recorded to a replaceable recording medium, meta data associated with the material signals (page 2, paragraph 25, the metadata is generated by the virtual tape controller); and

means for writing/reading information to/from a contactless information storage means appended to or incorporated in the replaceable recording medium (page 2, paragraph 32, the meta data is stored on a non-volatile memory).

Yates et al. fail to explicitly disclose the contactless information storage is operative responsively to an electromagnetic field. However this limitation is well known in the art as evidenced by Frary which disclose an information recorder using a storage device that is operative responsively to an electromagnetic field to send or receive information in a contactless manner to or from outside via the electromagnetic field (column 2, lines 62-64);

the writing/reading means writing the meta data extracted by the extracting means to the contactless information storage means (column 3, lines 52-55).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the device of Yates et al. because Frary teaches the storage device may send or receive information via the electromagnetic field to read and write the meat data from the tape cartridge.

Regarding claim 8, Yates et al. disclose the apparatus:

an arranging means for putting the generated meta data into a predetermined data format (page 2, paragraph 32, the blocks of data are "packetized");

the meta data put in the predetermined data format being written to the contactless information storage means by the writing/reading means (page 2, paragraph 32, the metadata is stored on the non-volatile storage in virtual tape controller).

Regarding claim 11, Yates et al. disclose an information recording system comprising:

means for writing/reading information to/from a contactless information storage means appended to or incorporated in the replaceable recording medium (page 2, paragraph 32, the meta data is stored on a non-volatile memory).

an information recorder for writing, to the contactless information storage means by means of the writing/reading means, predetermined standard-defined meta data extracted from material signals to be recorded to the recording medium or meta data generated from information other than the material signals written to the recording medium (page 2, paragraph 32, the library management system intercepts the data to written on a tape when it identifies a meta data);; and

a meta data storage unit for storing the meta data read from the contactless information storage means appended to or incorporated in each of a plurality of recording mediums (page 2, paragraph 32, the non-volatile storage).

Yates et al. fail to explicitly disclose the contactless information storage is operative responsively to an electromagnetic field. However this limitation is well known in the art as evidenced by Frary which disclose an information recorder using a storage device that is operative responsively to an electromagnetic field to send or receive information in a contactless manner to or from outside via the electromagnetic field (column 2, lines 62-64);

the writing/reading means writing the meta data extracted by the extracting means to the contactless information storage means (column 3, lines 52-55).

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Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the device of Yates et al. because Frary teaches the storage device may send or receive information via the electromagnetic field to read and write the meat data from the tape cartridge.

Method claims 4-6, 9-10 and 12 are drawn to the method of using the corresponding apparatus claimed in claims 1-3, 7-8 and 11, respectively. Therefore method claims 4-6, 9-10 and 12 correspond to apparatus claims 1-3, 7-8 and 11, respectively and are rejected for the same reasons of obviousness as used above.

### *Conclusion*

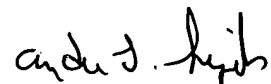
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rocio Colon whose telephone number is (703) 305-3947. The examiner can normally be reached on Mon-Thu 8:00a.m.-6:30p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (703)308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
rcv

June 17, 2004

  
ANDREW L. SNIEZEK  
PRIMARY EXAMINER